REMARKS

By the *Office Action* of 13 September 2004, Claims 1-27 are pending in this Application, and all stand finally rejected. By the present *Response and Amendment With RCE*, Applicants amend Claims 1, 15, and 23 to clarify Applicants' claimed invention, and also amend Claims 3, 24, and 26 to correct typographical errors.

No new matter is believed introduced by the present *Response and Amendment With RCE*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

1. Docket Number and Change in Correspondence Address

Applicants respectfully request the docket number of this Application be changed from 081607-1150 to STAT1150. The prosecution of this Application has been transferred to a new law firm, and its docketing procedures require this new docket number. A *Request to Withdrawal as Attorney* was filed 27 September 2004 which transferred this Application to the below listed firm. To perfect this change in counsel, Applicants submit herewith A *Revocation and Appointment of Power of Attorney* to the present firm and a *Change of Correspondence Address*.

2. The Cunningham et al. Rejection

The Examiner rejects Claims 1-4, 6-8, 10-12, 15-17, 20-25, and 27 under 35 U.S.C. § 102(e) as being anticipated by Cunningham et al. (U.S. Patent No. 6,124,806). Applicants respectfully traverse the § 102(e) rejection in view of the pending claims.

Cunningham et al. disclose a wide area remote telemetry system that monitors and controls remote devices. The Cunningham et al. system includes multiple sensor interface modules (SIMs) for monitoring the remote devices. (Cunningham et al., *Abstract*). The SIMs transmit information regarding the remote devices to at least one data collection module (DCM), and the DCM gathers, processes, stores, and transmits information to a host system (or host module). *Id.* The host system then, in turn, receives, records, processes, and transmits information to a network. *Id.* A SIM includes a hardware sensor for the device being monitored, a computerized monitoring system, a power supply, and a transmitter. (Cunningham et al., Column 7, Lines 33-44).

Importantly, however, the SIMs **do not include receivers or transceivers and can not receive information from other SIMs or communicate with other SIMs**. The SIMs are only capable of transmitting monitored data to one or more DCMs. Further, while a SIM can be a single path or a multiple path SIM, they can not communicate with each other. (Cunningham et al., Column 6, Lines 20-22). Rather, the "only difference between the single path sensor interface module 104 and multiple path sensor interface module 106 is the number of data collection modules receiving the hardwire or wireless transmission 108 from the individual sensor interface modules 102." (Cunningham et al., Column 6, Lines 22-26). Thus, the Cunningham et al. system does not teach or disclose communication paths between SIMs and DCMs that include intermediate SIMs, or SIMs that receive information from other SIMs.

Applicants amend Claims 1, 15, and 23 to clarify that Applicants' claimed invention enables a communication device to communicate with a host through an intermediate communication device if a direct link between a communication device and a host does not exist. This limitation is novel over Cunningham et al. Specifically, Claim 1 now recites the limitations of "a first communication device of the plurality of communication devices adapted to communicate with a second communication device of the plurality of communication devices" and "wherein the communication path for the second communication device comprises the first communication device."

Additionally, Claim 15 now recites "wherein the step of determining one or more communication paths associated with each of the plurality of communication devices comprises determining a first communication path associated with a first communication device of the plurality of communications devices, the first communication path comprising a second communication device of the plurality of communications devices in communication with the first communication device."

Further, Claim 23 now recites "wherein the means for managing communication determines a first communication path associated with a first communication device of the plurality of communications devices, the first communication path comprising a second communication device of the plurality of communications devices in communication with the first communication device."

Applicants respectfully submit that the subject matter of the clarifying amendments is not new matter. (*Specification*, Page 6, Line 31—Page 7, Line 5). Applicants, therefore,

respectfully submit amended Claims 1, 15, and 23 are allowable over Cunningham et al. because Cunningham et al. does not teach or disclose communication paths between SIMs and DCMs comprising at least one intermediate communication device.

Further, Applicants submit Claims 2-4, 6-8, 10-12, 16-17, 20-22, 24-25, and 27 are also allowable over Cunningham et al. for the further limitations contained therein. For example, with regard to Claims 7 and 27, Cunningham et al. does not inherently anticipate Claims 7 and 27. As discussed above, multiple DCMs in the Cunningham et al. system may receive information from the same SIM. Prior to transferring the information to the host module, DCMs are assigned "primary responsibility" or "secondary responsibility" to prevent multiple DCMs from transmitting the same information to the host module. (Cunningham et al., Column 6, Lines 59-62). The host module assigns these statuses based on "reports from different data collection modules." (Cunningham et al., Column 31, Lines 30-34).

Applicants respectfully submit that assigning DCMs statuses is patentably distinct from determining one or more communication paths for communication devices by receiving initialization commands from the plurality of communication devices. Applicants further submit that the host module's comparing DCM reports does not anticipate Claims 7 and 27, because initialization codes from the SIMs are not used by the host system to assign a status to a DCM.

3. The Cunningham et al. and Johnson et al. Rejection

The Examiner rejects Claims 5, 9, 13, 14, 18, 19, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Cunningham et al. in view of Johnson et al. (U.S. Patent No. 5,673,252). Applicants respectfully traverse the § 103(a) rejection.

Johnson et al. discloses a communications protocol for remote data generating stations in a wide area communications network (WAC). The WAC network communicates data from network service modules (NSMs) to a central data terminal (CDT) and collects data generated by physical devices associated with an NSM in a geographical area. (Johnson et al., Column 9, Lines 46-48). The WAC network is a layered, hierarchical network having NSMs, remote cell nodes, intermediate data terminals, and a central data terminal. (Johnson et al., Column 9, Lines 51-56) The NSMs gather information from the associated physical devices (e.g. utility meter) and communicate the gathered information to the central data terminal through the layered, hierarchical WAC network.

Yet, the combination of Cunningham et al. and Johnson et al. does not teach or suggest Applicants' claimed invention as recited in amended independent Claims 1, 15, and 23. Specifically, the cited combination does not teach or suggest a communication path for a first communication device that comprises a second communication device because neither reference individually discloses or suggests such a feature. In other words, the cited combination does not teach or suggest using multiple SIMs (Cunningham et al.) or NSMs (Johnson et al.) in a communication path. As such, Applicants submit that Claims 5, 9, 13, 14, 18, 19, and 26 are patentable over the Cunningham et al.-Johnson et al. combination for the further limitations contained therein.

Indeed, the references teach away from Applicants' claimed invention, and thus can not substantiate the § 103 rejection. Neither Cunningham et al. nor Johnson et al. teach or suggest using multiple SIMs or NSMs in a communication path, or SIMs or NSMs capable of communicating with each other. Applicants respectfully submit that both Cunningham et al. and Johnson et al. teach only to transmit data from SIMs or NSMs to data collection components, **but not other SIMs or NSMs**.

Further, the Examiner cites no suggestion, teaching, or motivation to combine Cunningham et al. and Johnson et al. to yield Applicants' claimed invention, and the references themselves are silent to such. Neither has the Examiner provided any reasonable expectation of success that Applicants' claimed invention would result from the cited combination.

For these reasons, Applicants respectfully submit that Applicants' claimed invention as recited in Claims 5, 9, 13, 14, 18, 19, and 26 is allowable over the cited combination.

4. Fees

Applicants believe no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response and Amendment With RCE* is being filed within four months of the *Final Office Action* along with an RCE. Thus, Applicants submit herewith a petition for a one-month extension, the one-month extension fee, and the RCE fee.

No additional fees are believed to be due; nonetheless, authorization to charge deposit account No. 20-1507 is given herein should additional fees be due.

CONCLUSION

By the present *Response and Amendment With RCE*, the Application has been in placed in full condition for allowance. Accordingly, Applicants respectfully request early and favorable action. Should the Examiner have any questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Respectfully submitted,

Ryan Schneider
Registration No. 45,083

Certificate of Transmission:
I hereby certify that this correspondence is being submitted to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail in accordance with §1.8 on this date, and the correspondence includes a certificate for each piece of correspondence stating the date of transmission. The person signing the certificate has a reasonable basis to expect that the correspondence will be transmitted on or before the date indicated.

Pamela G. Mashburn
Name of Applicant Assignee, or Registered Representative

Pamela G. Mashburn
Signature

13 January 2005
Date

Troutman Sanders LLP
Bank of America Plaza
600 Peachtree Street, N.E., Suite 5200
Atlanta, Georgia 30308-2216
United States
Phone: 404.885.2773
Fax: 404.962.6849